

*Robt. Gray; 15 B. d.  
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**D E B A T E S**

**I N**

**THE GENERAL ASSEMBLY**

**O F**

**THE CHURCH OF SCOTLAND,** *Church of*

**ON TAKING INTO CONSIDERATION** *R.*

**AN OVERTURE FROM JEDBURGH**

**RESPECTING THE**

**T E S T A C T,**

**MAY 27, 1790.**

**TO WHICH IS ADDED**

**A SPEECH OF LORD LANSDOWN,**

**ON OCCASIONAL CONFORMITY, 1719,**

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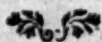




## ADVERTISEMENT.

**A**S the debate of so respectable a body of men as the Scotch Clergy, upon so important a subject as the Test Act, must be acknowledged by all to be highly interesting, we presume that no apology is necessary for thus presenting it to the publick; especially as we are not sensible that it has yet appeared in any English publication. Both sides of the question are ably and acutely defended, so that the reader may judge for himself from the evidence that is laid before him.

The debate took place on Thursday the 27th of May, 1790, and was occasioned by an Overture from Jedburgh respecting the Test Act; which the Assembly immediately took into serious consideration.





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GENERAL ASSEMBLY  
OF THE  
CHURCH OF SCOTLAND.

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TEST ACT,

As far as it concerns the Members of the  
Scotch Church.

**D**R. *CHARTERIS*, minister of Wilton, in a short introductory speech, stated the reasons that induced the Presbytery of Jedburgh to make this overture to the General Assembly. He observed, that the overture from Jedburgh was confined entirely to persons educated in the principles of the Presbyterian religion in Scotland, and related to offices belonging to the empire at large. He insisted, in a very serious manner, on the profanation that was occasioned by making the participation of the Holy Sacrament a qualification for civil offices.

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He was followed by Dr. *Sommerville*, minister of Jedburgh, who earnestly recommended to the Assembly to attend to the principles and motives which induced the Presbytery of Jedburgh to adopt this overture. That he could assure them, they were not influenced by any political motives or considerations. That it did not arise from the desire of doing any thing agreeable to persons in opposition, or displeasing to those in power. He expressed gratitude for our excellent constitution of Government, and the mildness and liberality with which public affairs were conducted, and how desirous he and his brethren were to inculcate the same sentiments upon their people. He desired that the Assembly would take care not to misapprehend this overture, as if it meant to convey any reflection upon the Church of England, or their mode of receiving the Sacrament. It was not the communicating according to the form of the Church of England, but communicating in compliance with a statute, and for the purpose of holding an office, which amounted to the charge of a profanation of a sacred thing. They would, finally, be upon their guard, not to confound this overture with the petition of the Dissenters in England. Whatever the wishes of his brethren and himself might be for the extension of religious liberty, yet, as an establishment or a corporate body, he was sensible, that they ought not to extend their views beyond the limits of that establishment;

ment; and that, this day, they stood forth to claim no more than such an immunity as they considered themselves fairly entitled to enjoy by the intention and spirit of the privileges granted to them at the Revolution, and confirmed by the Union. He detailed the pernicious effects to religion and morality produced by a careless discharge of the duty of communicating for the purpose of temporal interest, in a manner that violated the prejudices interwoven into the mind with the fundamental principles of religion.

He insisted upon the expediency of trying this question immediately, because the Legislature had the subject so lately under their view, and that all parties in the discussion of the question upon the petition of the Dissenters, had professed such sentiments as pledged their approbation of the desire of this overture: For those who wished to gratify the Dissenters could never, in consistency with their opinion, deny the same indulgence to persons who claimed it under the authority of law; and those who opposed the petition of the Dissenters, because the Church of England was the Religion of the State, were, in prosecution of the same argument, bound to exempt from the obligation of receiving the Sacrament, according to the form of the Church of England, a body of men who had been educated in a part of the united kingdom where Presbytery was established by

law—And concluded with entreating them to consider all arguments drawn from expediency, as contemptible in comparison with those which related to liberty, justice, and the interest of truth and virtue.

Mr. *Martin*, Minister of Monimail, said, that he apprehended this overture, as well as those from the Synods of Dumfries and of Angus and Mearns, and that from the Presbytery of Dundee, were improper subjects of debate and discussion in the General Assembly; he had therefore endeavoured to prevent its transmission from the Committee of Overtures; but as it had been transmitted, he hoped he should be indulged in mentioning some of the considerations, which he imagined ought to determine the House to refuse the desire of the overture. Many things, he observed, were very proper for individuals, that were very improper for societies, and most improper for the General Assembly. Let us promote Science and Liberty, as well as Religion, as extensively as possible, and add to the laurels already gained by the Church; only let not our zeal in other objects render us remiss in our duty as ministers, pervert our discourses, or contaminate our public devotions. What is unbecoming us as ministers, is still more unbecoming us as members of the General Assembly.

It



It was easy, he said, to talk of grievances; but that the General Assembly ought not, unsolicited and unprepared, to undertake the redressing of all grievances in the spirit of chivalry and romance, and take the cross at the suggestion of the Presbytery of Jedburgh, to restore the Holy Land, and holy city of British privileges, to all who did not enjoy them as extensively as themselves—that without much ingenuity or labour he could muster up *centum gravamina* of British subjects, though the freest and happiest in the world.

Representation, penal laws, multiplicity of oaths, duelling, &c. &c. occasioned much complaint; and at present the Reform of the Burghs and Fictitious Votes engaged the attention of the nation. By the same rule, if this subject is introduced, he apprehended, all these and similar ones might be introduced; and then the General Assembly would become a theatre for the display of oratory; a school of eloquence, as it has been sometimes called, so that not ten or twelve days, but ten or twelve months would be required and consumed in discussing subjects not properly before us, on which our judgement is not asked, ought not to be obtruded, and could not be expected to have any good effect.

But Religion, said he, is concerned in this matter. *The Test is a prostitution of sacred things.*—

But

But where is it religion is not concerned? It is obvious that religion is intimately concerned, for example, in the subjects he had mentioned.

The names of Members of Parliament had been mentioned in the Committee, and in the General Assembly. He took occasion to observe, he had admired the news-paper accounts of Mr. Beaufoy's and Mr. Fox's speeches on the repeal of the Test; but, to allude to what is said to have fallen from one of these orators, what was proper for their speeches, was improper for the pulpit, and most improper for the General Assembly.

He maintained, that the dignity and importance of the Clergy and of the Church, arose from their fidelity in their duty as Ministers, and employing themselves in their proper business, not from interfering in matters not before them; especially when, in doing so, they erected themselves censors of the past, and dictators as to the future.

He knew, that *now* the Dissenters in England were not directly and actually, but they certainly were still virtually and indirectly concerned in the object of the Overture; and, indeed, they had in effect been the authors of it. He then took a view of some of the sects of the Dissenters, and their doctrines, and of their opinions of the Church  
of

of Scotland;—quoting Robinson of Cambridge's View of Presbytery.

As to Scots Presbyterians being aggrieved by the law in question, the time when with propriety we can move in this business, is when they apply to us, and seek our aid in obtaining relief.

He observed, the movers of this Overture might be perfectly clear on this subject, while others might have doubts: able appearances had been made in Parliament on both sides: the most worthy and respectable men decided against the repeal. The Society for Promoting Religious Knowledge were unanimous. I do not think with them, said he, but I respect them. I would not plunge myself into a river, when they who live on its banks assure me it is deep and dangerous, and disembody itself in anarchy, confusion, and wretchedness. To return to the allusion: Be the water smooth and clear, what do you who descend into it but stretch your limbs, display your graces, and dash the waters?

This, he said, is not the time to move in this business. He mentioned the war—the conclusion of Parliament—the indulgence and friendship of Administration—the sense of the nation having been just taken—and concluded with observing, that certain loose notions had obtained respecting  
Tests.



Tests. That he was bold to say, they were necessary for the existence of society, the maintenance of peace, and the preservation of truth. To these we may be attached, and be enemies of the Test in question: but just when emerging from a fever respecting Tests, we ought not to indulge in declamation against particular Tests—hold up lure to fly away from law, and lay trains for blowing up the peace—the importance—and perhaps the very existence of the Church.

Mr. Walker of Canongate, Edinburgh, in answer to the last speaker, observed, that it would fully meet the principal arguments he had used, if he should be able to discriminate the object of the overture from an officious interference in favour of the general claims of Dissenters, to shew that the overture held no other language than the Church of Scotland had held on the same subject in former times; and that there was nothing at present which rendered it inexpedient to revive attention to the grievance it complained of.

He adverted to the period in which the Test Act was passed by the English Legislature. The kingdom was then in great danger from the Popish party, headed by the Duke of York. The navy and army were filled with Popish officers. It was enacted hastily on the spur of the occasion, and was intended to have been speedily followed  
with,

with an act in favour of Protestant Dissenters; but the King, who had other views, prevented this by an adjournment of Parliament. The unfavourable situation in which the Test Act placed Protestant Dissenters in England still remained. But the opinions, which as individuals we entertained of its operation in this respect, were foreign from the object to which the overture demanded the attention of the venerable Assembly. We did not come forward as Dissenters, but as members of an Established Church—a Church established as fully in this part of the island as the Church of England is south of the Tweed—declared so to be in the Treaty of Union—protected by the Act of Security, and by the Coronation Oath of each successor to the Throne. We come forward to represent and claim redress of the grievances, which the members of the Church of Scotland in these views sustain, in consequence of the Test Act not being repealed, or the construction of it limited and explained at the Union. The grievance was shortly this.—A man born north of the Tweed, and educated in the religion of his forefathers, cannot hold an office of the British Empire in England, cannot for instance hold a commission in the army or navy of Britain, without qualifying himself for it, by partaking of the Lord's Supper according to the rites of a foreign Church.

He did not think himself called on to deliver an opinion, upon the general question, Whether Religious Tests should be applied to the purposes of civil government? He feared they were often profaned by men of worldly views; but he saw that they found a place in the jurisprudence of different enlightened nations, and particularly that they had been employed as a barrier against that corrupt form of the Christian Religion, which endangers Government, by acknowledging a foreign authority paramount to the laws of the State.

Leaving, therefore, the general question as to the propriety of religious Tests entire, he stated the supposition that England had still remained a separate kingdom from Scotland, as it was before the Union, although under the same King. In this case, he acknowledged, that the operation of the Test Act could not have been injurious to the natives of Scotland. The two kingdoms would then have had separate interests as well as separate religions; and it would have been competent for the Legislature of each kingdom to provide for these separate interests. There would have been a navy and an army of Scotland as well as a navy and an army of England; and the Legislature of Scotland might, in that case, if they had seen it proper, have established a test of admission to offices of public trust, suited to the nature of the Presbyterian religion. The actual grievance suffered



ferred by the members of the Church of Scotland arises from the Union of the two kingdoms. By that treaty it was provided, that there should be but one Legislature, one Privy Council, one Navy and Army for the Empire of Great Britain. But, by the same treaty, it was provided, that there should be two forms of Religion, two Established Churches in the respective parts of the island, equal, co-ordinate, and independent of each other. All this is fair and equitable. But here comes the grievance—the test of admission to offices in the navy and army, and other departments of public trust in the united empire, is founded entirely on an Act of Conformity to a Religion peculiar to one part of the island. This is an inequality degrading and injurious to the Presbyterian natives of Scotland. Why should the one Religion predominate over the other in what regards the alliance between the Church and the State? Why should it be a disqualification to Scotsmen from holding British offices, that they are attached to the Religion of their forefathers?

He then took notice of the last speaker's argument, with regard to the impropriety of the Venerable Assembly's interposition in a matter of this kind; and produced a memorial of the Church of Scotland, in the printed acts of Assembly 1715, on this very subject, in which it is expressly stated, "That it is an inequality and hardship upon the

“Established Church of Scotland, that those of  
 “her communion, who are employed in his Ma-  
 “jesty’s service in England or Ireland, should  
 “be obliged to join in communion with the  
 “Church of England.”

As to the inexpediency of the present time, stated by the former speaker, he could see no force in the argument. Though we do not place ourselves on the same footing with Dissenters, there can be no reason why we should not avail ourselves of the attention which their claims have raised to the general subject of the Test Act.

He concluded by observing, that whatever may be the peculiarity of the present time, there is a reason growing in its urgency every day for the Church of Scotland to turn its attention to this subject, and that is, the tendency which the disqualifications, occasioned by the Test Act, have to withdraw from her communion, her natural supports as an Established Church, the noble, illustrious, and opulent families of the land. Hence arose the complaint that had been stated by Members of this Court—a complaint in which he also joined—that the eldership of parishes through Scotland, was not now the respectable body of men which it was at the end of the last and the beginning of this century. The influence which views of ambition and worldly success had on the  
 minds

minds of men was well known, and it could not be expected, in the nature of things, that a Religion which involves a disability of pursuing these views in the great line of public preferment, should not be gradually deserted.

Mr. *Wells* at Drummelzier, Dr. *Dalgleish* at Ferrypartoneraig, and Mr. *Russel* at Canonry, severally said a few words against the overture.

The *Lord Advocate*, Right Hon. *Robert Dundas* of Arncliffe, began with observing, that he would throw out of his consideration many circumstances which had been alluded to in the speeches of some Members who preceded him. In particular, he would lay no stress upon this being an unsuitable time for making an application to the Legislature with regard to the Test law, nor upon the idea that the Ministers of the Crown might refuse other favours to the Church of Scotland should a repeal of the Test Act with regard to them be now demanded. For the present Administration he had the highest respect; and he trusted it would be to his immortal honour that he lived in terms of intimacy with many of them. But his admiration of their characters would be much lessened indeed, were any just relief to be denied to the Church of Scotland on the ground of their opposing any subjection of this National Church to the Test Laws of England. Laying all these circumstances, therefore,



fore, out of his view, he would confine himself merely to the principle of the question; and he would venture to maintain, as an opinion from which he never would depart, that the Members of the Church of Scotland were bound by the Test law, in virtue of the Treaty of Union, and that the Overture of the Presbytery of Jedburgh ought, on every principle of law and justice, to be dismissed, as demanding what Scotland had no title to request. To this point, of the right we had to demand a repeal, he would confine himself; because, were he to be convinced of the right, which he never could be, then no time could be improper for making the application to obtain it.

The Learned Lord then proceeded to read from the History of the Union the proceedings of the Scottish Parliament, and of the General Assembly of the Church regarding the Test law. The enemies of the Union claimed an exemption from it, and they struggled hard to get the Parliament to insist upon the law being repealed as an essential preliminary to the Union. All their efforts, however, were ineffectual. England would not be persuaded to yield up the security of her National Church to the demand of this party; and, accordingly, the Test laws were continued. Were we now to demand a repeal of these acts which had been so solemnly recognized? Could the House expect that such a demand could

be listened to? Had there been any justice in insisting on a repeal, the period of the Union was certainly the proper time; but we had then acquiesced in these laws, and could not now be freed from them.

After stating very forcibly his reasons upon this head, the learned Lord concluded a very eloquent speech, by declaring his hearty concurrence with the motion made by a Reverend Gentleman who had spoken some time before, That the Overture of the Presbytery of Jedburgh should be rejected.

Mr. *Robertson*, Procurator for the Church, rose as soon as the Lord Advocate sat down. He began with paying a handsome compliment to his Lordship on the manly and liberal manner in which he had met the question. He had abandoned, he said, the arguments which had been used by some of the former speakers, as to the inexpediency of bringing forward the Overture at this time; and had candidly admitted, that, if the Overture was in itself expedient, there could be no time more proper for bringing it before the House. He had disdained to skulk behind defences which could only betray the weakness of the cause, and had boldly met the Overture on its merits. Trusting, therefore, that the House would hear no more of those arguments about inexpediency,

ency, which the learned Lord had in so liberal a manner given up and abandoned, he would now consider the argument which had been stated against the Overture.

The Learned Lord had contended, that all attempts to obtain redress of the grievances complained of must necessarily prove ineffectual, as the Treaty of Union had declared, that all acts passed for the security of the Church of England, and for the preservation of its doctrine, discipline, and government, should remain in full force for ever. That the Test Act fell under that description, and therefore could not now be repealed, even by the authority of the British Legislature itself. In support of the argument, he stated, that a motion had been made in the Parliament of Scotland, That the Members of the Church of Scotland should be declared not liable to take the Test; but that the motion had been negatived. Hence, his Lordship argued, that it was perfectly understood, that they had no claim for exemption. The Procurator said, he would admit of the force of that argument, if nothing appeared in the proceeding of the Parliament either of Scotland or of England on the subject; but he said he would state the counter part of the history which the Learned Lord had given, which would show, that the Test Act was not a part of the Treaty of Union.

While



While the Treaty of Union was depending, the Archbishop of Canterbury brought a bill into the House of Lords for securing the Church of England as by law established, which, when passed into an Act, was to be inserted in the Treaty of Union, and declared a fundamental and unalterable part thereof. The bill was committed in the usual form, and it was moved in the House, that it shall be an instruction to the Committee to insert the Test Act in the bill. The motion, however, was negatived. The object of those who supported the motion was to do what the learned Lord argued, that although the Test Act was not inserted *verbatim* in the Act for securing the Church of England, yet that the words of it are broad enough to comprehend it. But is it consistent with Parliamentary forms, or is it consistent with common sense, to suppose, that the House, after refusing to allow the Act as it is to be inserted, would receive words which were tantamount to the insertion? After enforcing these ideas, and putting them in a variety of lights, he contended, that the Treaty of Union did not stand in the way of a repeal, but that the subject was completely open for discussion.

Having said so much on this preliminary point, he then entered into the question at large. He began with professing himself a warm friend to the principles of general and unlimited toleration,

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which he considered as tending to promote the peace and welfare of society, as well as the interests of Religion; and, that he could never think it either justice or politic to subject a citizen, who had not been guilty of any crime, to disqualifications and penalties on account of speculative or religious opinions. That although these sentiments might lead him, as an individual, to wish for a total abolition of all religious tests, as qualifications for civil offices, yet he thought the National Assembly of the Church of Scotland would be going beyond that line which its situation rendered proper, were it not to confine itself to the grievance of the Test Act, as it affected the members of this Church. To that point, therefore, he would now request the attention of the House.

—By the Treaty of Union, the independent kingdoms of England and Scotland were formed into one empire, having one Parliament, one Privy Council, one army, and one navy; and there was to be an equal communication of all rights, privileges, and advantages, between the subjects of both. The Protestant Religion, and Presbyterian Church Government, was established as the National Religion in one part of the united kingdoms, and the Church of England in the other—equal, co-ordinate, and independent churches. From this it followed, that members of the Church of Scotland should be capable of holding commissions in the army, which was not the army of England,

or

or the army of Scotland, but of Great Britain, and of holding all British offices as freely as a member of the Church of England; and yet, by the operation of the Test Act, no man can hold any office in England, unless he shall qualify himself, by taking the Sacrament according to the Church of England; so that an Act of the Parliament of England, passed before the Union, disqualifies all Scotchmen from holding British offices, unless they renounce the religion of their country. In short, the profession of a National Religion, established in one part of the united kingdoms, by the most solemn of all laws, a Treaty of Union between two independent nations, operates as a disqualification for holding a British office. If this disqualification had been created by the Treaty of Union itself, we might have indeed lamented that our ancestors had been so base as to sacrifice the honour, the dignity, and the Religion of their country; but when we consider that it is introduced, not by the Treaty of Union, but by the constructive operation of a law passed in the Parliament of England before the Union, we must consider it not only as the height of injustice and oppression, but as one of the greatest absurdities which ever disgraced the laws of an enlightened people—He concluded with giving his hearty approbation to the Overture.



*Mt. Dun*, minister of Kirkintilloch, delivered himself nearly as follows :-

MODERATOR,

The opinion which I am about to submit to this Court is decidedly against the present application of the Test Act. But, before proceeding to state this opinion, I find it is necessary to observe, that I do not in this matter mean, in the smallest degree, to connect my argument with the Dissenters in England. For, though I hope I can join with any set of men who worship the Great Father of Being in truth, of whatever name or description they may be, yet it is in the present case a civil right for which I contend, and the enjoyment of which has, in my opinion, been long and unjustly withheld from the members of the Church of Scotland.

SIR, When you contemplate the island of Great Britain, three distinct objects with respect to the matter before you present themselves to view.

1st, England.

2dly, Scotland.

3dly, One great empire, formed by the deed of Union, out of these two kingdoms.

Scotland

Scotland and England had, before the Union, comparatively speaking, little connection; and, ever since that great connection, each of them retains many things peculiar to itself. Scotland has, and I hope, will long continue to have, its own laws, its own courts of justice, than which there are none more equitable, more upright, more useful. It has its own church, perhaps the purest, the most diligent, though the poorest in Europe.

England has also its own municipal laws and policy, its courts of justice, and its Established Church. These not only remain, but are by the Union ratified and secured.

By the Union of these two kingdoms the empire of Great Britain is formed; and, from this new political body, there arises a property, a set of rights, of offices, of honours, and of profits, peculiar to itself. Now, though we had no historical record or legal document given us, we might, from the very nature of the thing, fairly conclude, that all the members of the two nations, out of which this empire is formed, should have equal title to the enjoyment of all these rights and profits.

This general idea, SIR, I wish to be remembered; because it is the great foundation on which  
I am

I am to build my argument in support of the opinion I am now to deliver ; and which opinion, I am happy to find, is abundantly founded in fact and in law.

For, by the Union, Presbytery is unalterably established in Scotland ; and though, I own, there must be, in every free government, an *omnipotence* somewhere, by the exertion of which, every thing relative to that government may be altered and new-modelled ; yet I contend, that, if it is possible that this *omnipotence* can in any case be limited, it is with respect to the point before us. For you certainly know, that the Act of Security is not only an essential part of the deed of Union, but one without which the Union itself could not have been entered into. It is, SIR, equally manifest, that, by the fourth article of the Union, a free and unrestrained communication of rights and privileges were ordained to take place among all the members of the united kingdom.—This, however, is by no means to be understood as extending to the municipal rights of England and Scotland, but applies solely to those rights, profits, and places, which arise from the Union. It is, therefore, British rights, British profits, British places, and (though I abominate the expression) British pensions, that are here to be understood. Every member then of the Church of Scotland acquired a right, the moment the Union

was



was completed, to enjoy all the advantages as fully and as freely as those born south of the Tweed.

But, SIR, mark, I beseech you, how this matter has turned out. We have often been told, and with an air of triumph too, of the great light, the profound philosophy, the wonderful liberty, and the uncommon improvement of the age in which we live. And, though I am not at all times disposed implicitly to believe all that is told me; yet, feeling myself, as well as others, flattered by this description, I am willing to give it some credit. Notwithstanding, what you will perhaps be surprized at is, that there is at this moment a spirit of bigotry and persecution pervading the conduct of a neighbouring kingdom. Surprising as it may appear, the Church of England are, by the use they have long made of the Test Act, attempting to undermine and destroy the Church of Scotland. The great Dignitaries of our neighbouring Church, reposing themselves on their rich benefices, do not trust this matter to character, to argument, or to official duty; but call upon the Legislature, by an Act of Parliament, to *convert* the members of the Church of Scotland to the Episcopal persuasion.

Here, SIR, I distinctly perceive the Lord Archbishop of Canterbury, the Lord Archbishop of  
York,

York, the Bishop of Winchester, the Bishop of Ely, the Bishop of Durham, and in one word, the whole Church of England, exerting themselves for the ruin of the Church of Scotland. By availing themselves of the Test Act, they effectually monopolize to those of the Prelatical persuasion the whole advantages of the British empire. This is the grievance; of this injury we complain; and this violation of the Union compact we wish to have redressed.

SIR, I must acknowledge I am not fond of being compelled to any thing; but to be compelled by an act of Parliament to touch the sacred symbols that represent to me my God, my Saviour, and my Hope! and all this as a qualification for a civil office!—my understanding, my heart, my feeling, my conscience, revolt against it! It is impious, and hurts every valuable feeling. The fences of morality are thus weakened; and the man who is capable of insulting his God by such conduct, is fit for every thing that is bad.

It is very true, I shall perhaps be here told, that these evils are not actually felt; for it is only in England, Wales, and Berwick upon Tweed, that the Test Act is put in execution; and even in these places the grievance is much alleviated, if not entirely removed, by an act of indemnity annually passed. To these things, however, I must

reply, that it is humbling, as well as unjust, that any man should hold that under the favour of an act of indemnity, which he is entitled to as his right; while, on the other hand, the very passing of this Act of Indemnity at once ascertains the practice, and acknowledges the iniquity of it. But when we reflect, that there is now no more a Scotch army, a Scotch navy, or a Scotch revenue, but that all these are British; we shall still perceive more strongly the justice of the complaint here made. These things, Sir, are the common property of England and Scotland, considered as constituting the empire of Great Britain. Why then should there be such an invidious distinction made, and attempted to be kept up, to give preference to those of the Church of England?

In this manner, Sir, you will see, that by the Union an existence is given to British rights. These are, by the deed itself, expressly declared to belong in common to all the subjects of Scotland and England. But this equitable compact is invaded in the most flagrant and provoking manner by the enforcement of the Test Act; while impiety, immorality, and the ruin of the Church of Scotland, are found in the train of this enemy of our country and of our rights: It is therefore in vain to tell us, that there is no grievance, no cause of complaint, and no need of an application to the Legislature for relief.

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Mr.



Mr. *Lapsie*, Minister of Campoil, began by calling the attention of the House to the very candid manner in which his Majesty's official servants had expressed themselves on this occasion. He was sensible, indeed, that his Lordship (viz. the Lord Advocate) stood in no need of his approbation; at the same time, it was a tribute he could not help paying to merit wherever he discovered it; and he hoped that the merit and elocution of his Lordship would always be employed in the cause of justice and the constitution.

He then proceeded to arrange his observations in the following order: In the first place, He investigated the nature of religious establishments, and how far they should be protected by Government; shewing, on the one hand, that the motive of Mr. Hume for countenancing them was unjust, and dangerous to literature and to science; and, on the other hand, that the motive of the Author of the *Wealth of Nations* for giving national religious establishments no support, was equally fallacious. He shewed that Government must protect a religious establishment, if they valued the peace and good order of society.—He then, in the second place, proceeded to investigate the nature of the two establishments which were protected by the government of this country; first, the nature of the Church of Scotland—its opinions—its origin—the progress of its government,

ment, and the present influence which it was calculated to have upon the minds of the Scots nation; secondly, the nature of the Hierarchy in England—its opinions—its views of government—its connexions with the State, and how much the Hierarchy was calculated to support the monarchy and the power of one person. At the same time he declared, that they were both good establishments; that, in point of faith and doctrine, the two Churches agreed in many things; and that in no shape whatever did he wish to hear of a single reflection thrown upon our sister Church.

He next endeavoured to shew how far the municipal offices of the two kingdoms should be bestowed upon the inhabitants of each respective nation. If there was a test required in behalf of the Established Church by the persons who took these offices, no person had a right to complain who was the subject of another kingdom. But there were certain offices which were purely British, and which, in the eye of justice and common sense, the inhabitants of both Scotland and England were equally entitled to enjoy. We felt the humiliating circumstance of our being compelled to do a thing which marked our inferiority when we received these offices; and as a people, when the Union was formed, who considered themselves free, we were entitled at any one period to be put upon a level with our sister kingdom, as soon as we were sensible of the odious difference.

He observed, that a good deal of ingenuity had been used, to shew that the Test Act was no grievance to Scotsmen; and that, as there was a bill of indemnity passed annually, no danger could accrue to their property or their persons. This idea he reprobated in the strongest terms, by stating the law as it now stood about the Test, its nature, and its penalties—He shewed, the indulgence of the executive power was no excuse for the baseness and the oppression of a law; and as *grievance* was a term that was relative when applied to the feelings of the mind about Religion, although a Scotsman being constrained by law to take the Test when he received a commission in the army, might appear no hardship to the ignorant, the profligate, and the infidel, still, in the eyes of every serious man, compulsion in matters of devotion was a procedure of the most oppressive nature.

He then took notice of the various objections which had been made against this Overture; which objections he called under three heads—first, That we had no right to review what was done by the Union—secondly, Although we had a right, that the present time was not expedient—and thirdly, That the taking notice of it at all was beyond our powers. With respect to the first objection, he shewed from the History of the Union, and of the Act of Security, that the Scots nation had actually perceived the grievance of which we now complained;



plained; but from motives of propriety, and in order to avoid the snare that the Tory Lords were laying for them, they had not expressed their feelings in the Treaty, perhaps, so pointedly as might have been wished; but that was no reason (seeing there was no article of the Union against our taking it up now) we should not endeavour to improve our views of the constitution, by explaining one ambiguous clause in favour of liberty and independence. There were many things in England which even the Bill of Rights had not provided for, but which further improvements in jurisprudence had found to be necessary.

With respect to the expediency of the present time, it was the best of all others, when the minds of the people were turned towards the subject—when they were wakened from their dream, and the soul agitated by a sense of national insult. In the eyes of a tyrannical government, no time would ever be thought expedient to redress the grievances of the people; sometimes the application was premature, sometimes too late, but they always had some excuse to stifle the demands of the nation: but he was convinced, in the eyes of our free government, and in the eyes of our administration, the present time would be attended to; and he had reason to believe, from what Mr. Pitt declared, that when the Scots Church applied for relief upon the Test Act, they would be

be listened to. For his own part, Mr. Lapslie said, that he pitied every form of government that durst not manly and openly listen to the complaints of the lieges, without regard to little consequences, from which no thinking person sees the least danger. What signifies it to us whether the Dissenters Bill in England had been thrown out? We were not embarking on the same bottom—we were speaking alone for the members of the Church of Scotland. What signified it too, that our application was upon the eve of a general election? We had always stood, and we were determined to stand, far away from county politics.

With respect to the third objection, That we had no power; Mr. Lapslie contended, that, as a National Assembly of the Church of Scotland, composed of Clergy and Laity, we were the natural, proper, and constitutional guardians of the religious rights of the people of this country. We had seen our Church undermined by the insidious progress of the Test Act upon the minds of some of our great families; they had deserted the Church of their Ancestors, and educated their children in the English Church, that they might avoid the imputation of being Occasional Conformists: and it was now high time for us to rouse ourselves, except we were determined to sacrifice ourselves at the shrine of avarice and ambition.—

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The progress of the desertion of our sons was every day becoming more alarming; and he believed the circumstance of being obliged by law to take the Test, according to the ritual of the Church of England, was one great cause of it.

As to the Overture proceeding from low and illiberal views, Mr. Laplie reprobated the idea—believing that piety and truth were found in many places of the world besides Scotland—He was convinced, learning and orthodoxy was no where more conspicuous than in the seminaries of Oxford and Cambridge; and he spake, he said, from personal knowledge. For his own part, he had felt the strongest devotion at the celebration of the mass; and he believed that the people who celebrated it did it often from the purest views; nor could he accuse their devotion, when he perceived that the Jews worship the God of Abraham in their own way. Notwithstanding his desire to see the most liberal ideas animate the breasts of his countrymen, he said, we were entitled to liberality in our turn from the British Legislature, and that we should never be compelled in the smallest article of Religion to do any thing contrary to our independence and our establishments of Church government.

He concluded his speech by calling the attention of the House to the remembrance of the spirit



rit of our fathers;—it was owing to their firmness that we had now this opportunity of canvassing one of the most important subjects which ever came before the Assembly;—he was convinced, from the crowd that this day attended their deliberations, that it was an object interesting to all ranks of people in the kingdom; and he hoped the conclusion of the debate would convince the world, that we were still the same determined and high-famed people, the descendants of those men who had spilt their blood in the cause; and that when we spake the language of gentlemen, our souls were animated with the firmness of a Roman; that we saw our grievances, felt them, and were determined to have them redressed by every means the constitution afforded.

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The Rev. Sir *Harry Moncrieff-Welwood*, minister of St. Cuthbert's, Edinburgh, set out with observing, that, however different the opinions of members might be with regard to the expediency of the present Overture, yet all agreed concerning the expediency of the subject. It was certainly the duty of the Church of Scotland to enquire into her rights, and, if nothing was done against the spirit of the constitution, and the privileges of both parts of the island, to maintain these rights unviolated and unimpaired. From the statements given both by the learned Lord and the Procurator, supposing these statements on both sides accurate,  
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it followed as a conclusion, that the Test Act was in *neither* country understood to be comprehended under, or to make a part of, the Treaty of Union. The contrary is implied in those transactions, and is proved by all the proceedings that followed upon them. In particular, this was proved by the Memorial from the Church, mentioned by a Reverend Gentleman who spoke early in the debate, in the year 1715. Every application since made in England for a repeal or mitigation of the Test Laws concurs equally to prove, that these laws were not considered as unalterably fixed down by the Treaty of Union. Not one of those, who have opposed their mitigation or repeal, have ever ventured to plead that they were unalterable, as being comprehended in that solemn transaction. The Church of Scotland, therefore, is not precluded by the Union from maintaining her exemption from the Test Act; on the contrary, that Treaty, by securing her National Religion, excludes the operation of these acts upon any of her members.

The Reverend and Honourable Baron then proceeded to say, that he would not resume the view of the argument taken by those who had preceded him on the same side of the question. The Test Act he undoubtedly thought a perversion of the institution of the Lord's Supper, and that a violation of morality was inseparable from

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it, when enforced against a member of this Church. But he was far from meaning that a man of this country might not conscientiously communicate with the Church of England; in this he agreed with the learned Lord; but this was not the question. It was no violation of morality or religion to take the Sacrament according to the form of the Church of England; but the Act means, if it has any meaning, that a man must receive the Sacrament as a Test of his being *bonâ fide* a member of the Church of England, and no other Church in the world. The whole language of the Act shews this to be the meaning. The reason of the thing demonstrates it. It was proved by the Act against Occasional Conformity. In this view, it matters not though a man should have no scruples to communicate occasionally with the Church of England. This he may do with a safe conscience. But can he, without a violation of morality and religion, make a solemn declaration that he is what he is not?—that he believes what he does not believe?—that he pledges himself to one Church, when he is a member of another? Although, then, there were no other view of the subject, it is the duty of this Church to take up the present business on that ground alone. Those of our Church who take the Test *sincerely* in England, become pledged to the communion of another Church, and cannot, therefore, be friendly to ours; those who take it *insincerely*,



*cerely*, and without principle, become hardened against all Religion, and return to Scotland prepared to disregard the institutions of our faith. Thus every sentiment of Religion is undermined; and, even where this does not happen, our establishment as a National Church is weakened. This effect our Church foresaw at an early period. She saw it at the time of her remonstrances in the year 1715. That there have been no remonstrances of a later date, has not been owing to the danger of the subversion of our establishment being imaginary; our silence is to be accounted for from the pressure of many other grievances operating *directly* at home, and from the particular *nature* of this grievance, which affected us only at a *distance*. —But though its operations might be less perceptible, as being gradual and slow, they yet were *sure* and *permanent*. From coming indeed less closely home to us, they were in fact more dangerous; and it behoved us not to permit the constitution of our Church to moulder away under the progressive, yet powerful, operation of an act which stood directly in the face of the security provided to our National Religion by the wisdom of our ancestors. Inheriting from his forefathers a warm attachment to the Church of Scotland as by law established, the Rev. Baronet considered himself bound, in duty to God and to his country, as a minister of this Church, to do what he could in resisting the evil which was the subject of this

Overture on their table. The attention of the House was now called to this subject more forcibly than at any former period. He concluded, therefore, with reading and moving the following resolutions grounded upon the Overture :

1. " That by a fundamental article in the Treaty of Union, the Protestant Religion and Presbyterian Church Government are unalterably secured as the only Established Religion and Church Government, within this part of the united kingdom—and are inseparable from the constitution of the British empire.

2. " That, by the 4th article of the Treaty of Union, it is provided, that there shall be an equal communication of all rights, privileges, and advantages, which belong to the subjects, whether of Scotland or England, except where it is otherwise expressly agreed by the said Treaty.

3. " That by an Act of Parliament of England, passed in the 25th year of the reign of Charles II, all persons within the realm of England, Wales, or Berwick upon Tweed, holding any office or offices, civil or military, or receiving any pay, salary, fee, or wages, or having command or place of trust, from, or under his Majesty, or, by authority derived from him, are liable to severe penalties and forfeitures, unless they shall, within a limited time, after receiving or being admitted into such office, pay, salary, or wages, receive the

the Sacrament of the Lord's Supper, in some public Church, upon some Lord's Day, according to the usage of the Church of England—and that, in consequence of the said act, the members of the Church of Scotland holding British offices, civil or military, or receiving as British subjects, any salary, fee, or wages, from or under his Majesty, or by authority derived from him, have been supposed liable to the penalties and forfeitures contained in the said statute, unless they receive the Sacrament according to the usage of the Church of England.

4. “That as this construction of the act constitutes a manifest inequality between the members of the two Established Churches of Great Britain, is injurious to the morals of the people of Scotland, and has a tendency to weaken and undermine the Church of Scotland; it is the duty of the General Assembly, as the guardians of the religious establishment of Scotland, to take every legal and constitutional mode, and to embrace the earliest opportunity to obtain effectual relief from the grievances arising from the said act of the Parliament of England, commonly called the Test Act, as affecting the members of this National Church.”

Dr. *Macknight*, Minister of the Old Church, Edinburgh.—Moderator, The subject of our present deliberation is of great importance. It is overtured by the Presbytery of Jedburgh, that  
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some constitutional method should be followed by this Assembly, for relieving the members of the Church of Scotland from the English Test Act, because by the fourth article of the Treaty of Union, it is agreed, that "After the Union takes place, there shall be a communication of all the rights, privileges, and advantages which do or may belong to the subjects of either kingdom." But, SIR, in my opinion, this declaration affords no ground for the proposition in the Overture under our consideration; because it is qualified with the following exception,—“Except where it is otherwise agreed in these articles.”—Now, in the 25th article, by which the Presbyterian worship and government are established in Scotland, it is expressly declared and allowed, “That the Parliament of England may provide for the security of the Church of England, as they think expedient.” Let us examine what the Parliament of England hath provided for the security of the Church of England:—Why, SIR, in the article securing that Church, as then by law established, it is expressly enacted, “That an act passed in the 13th of Elizabeth, and another act passed in the 13th of Charles II. (which is the Test Act), and all and singular acts of Parliament now in force for the establishment and preservation of the Church of England, and the doctrine, worship, discipline, and government thereof, shall remain in full force for ever.” Now, as the *Test Act* was one of the laws for securing the

Church of England, and was in force at the time the Union was made, can any one doubt, that by the Treaty of Union, that law was made unalterable?—Further, as the English acts of Parliament extend to all the inhabitants of England, and no exception from the operation of the Test Act is made in favour of the members of the Church of Scotland residing in England, it is undeniable, that the estates of Scotland, by the Treaty of Union, solemnly agreed to the perpetual obligation of the Test Act on all living within the kingdom of England, whether they were natives of England or of Scotland; and therefore to require, as in the Overture, that the members of the Church of Scotland, residing in England, may enjoy British offices without complying with the Test Act, is to require the abolition, with respect to them, of an act which the Parliament of England thought expedient for securing the Church of England, and that directly contrary to the Treaty of Union, which makes it perpetual. Will the British Parliament ever consent to so unreasonable a demand? Besides, were the Parliament to grant the members of the Church of Scotland resident in England the exemption proposed, by what means could they be distinguished from the English Presbyterians and other sectaries? Or why should they be distinguished from them in a matter where the rights of conscience are concerned? Nevertheless the Parliament lately, by a great majority, have refused to free the Dissenters in England from

from the Test. This, however, is not all. On supposing that the officers and others in the British army and navy, for whom the exemption is chiefly meant, were actually by law freed from the Test, the Assembly ought to consider what would be the consequence. At present, the law of Scotland does not require of the subjects of Scotland, as a qualification for serving in the Army or Navy, either to subscribe our Confession of Faith, or even to become bound to maintain the Presbyterian Religion as by law established in Scotland. And it is now proposed, that they shall be free from the Test which obliges them to maintain the Church of England as by law established in England. SIR, Were this to be granted, arms would be put into the hands of a number of men who are not bound to maintain either the one Church or the other. Will Parliament agree to a proposition of this sort, which goes to the establishment of an army that is under no obligation to defend any Religion whatever? Perhaps it will be said, that a different obligation may be imposed on such of the Army and Navy as are natives of Scotland, which will remedy the evil. But the answer occurs at once. By that article of the Treaty of Union which establishes the Presbyterian Religion, it is expressly provided, " That the subjects of the kingdom of Scotland, and every one of them, shall be for ever free from any oath, test, or subscription, within Scotland, inconsistent with the Presbyterian Church Govern-



Government." If it was by the Treaty of Union the right of the members of the Church of Scotland to be free from the Test in England, why stipulate for their freedom from it only *within Scotland*? But to pass from that: By the clause just now recited, the only Test that can be imposed on the subjects of Scotland within Scotland, holding places in the Army and Navy, is an obligation to maintain the Presbyterian Religion within Scotland. What security will this give to the people of England, that the soldiers and sailors, natives of Scotland, that are in the British Army and Navy, will not, with arms in their hands, attempt to overturn the Church of England in England? The Scots formerly with arms in their hands, and under the obligation of their solemn League, assisted in overturning the Church of England; and, if the proposition in the Overture is agreed to, they may, from the love of Presbytery, strengthened by their oath, attempt the same a second time. In short, if the natives of Scotland in the British Army and Navy are subjected to the Scotch subscription, as I think they must be, if freed from the English Test; our brethren in England, I am afraid, will consider their Church in more danger from an Army so constituted, than if the individuals were free from any obligation to maintain either the one Church or the other. Before I conclude, allow me to mention, that were the cure offices in Scotland, I

mean *the Professorships in our Universities*, to the holding of which a subscription to our Confession of Faith is necessary, attended with such emoluments as to make them objects of desire to Englishmen, might they not, on the strength of the 4th article of the Treaty of Union above mentioned, require to be admitted to them, without subscribing our Confession, with as much propriety as Scotsmen now require to be admitted to British offices in England without complying with the Test Act, notwithstanding its obligation is unalterably established by the Treaty of Union, as the condition on which offices in England can only be held; for neither the act nor the treaty makes any distinction between British and English offices in England. Upon the whole, I am of opinion, that the proposition in the Overture will be thought by the Parliament both inconsistent with the security of the Church of England, and a dangerous alteration of one chief article of the Union, which they neither can nor will ever listen to. For which reasons I humbly move, that this Overture be dismissed as incompetent, *simpliciter*.

The *Lord President*, the Right Hon. Hay Campbell of Succoth, said, That from some things he had heard in the course of the debate, and some expressions used in the Overture itself, he should have supposed, that the Legislature of Great Britain

Britain had in the course of the last session of Parliament passed a new law, injurious to the rights of the Church of Scotland, invading its privileges, and calling upon us as a National and Independent Church to resist it; but, Sir, (added his Lordship) I find we are debating upon a law which passed in England as far back as the middle of the last century, which was recognized eighty-three years ago at the period of the Union, and concerning which we have been silent during most of the time which has intervened. Yet the Rev. Mover of the question has told us, in his improvement upon the Overture, that we are now taking the *earliest opportunity* of expressing our dissent to that law, and our desire of having it repealed. I should be glad to know what circumstance has lately occurred to excite such an alarm in the corner of Jedburgh? and whether the Reverend Brethren of that Presbytery have moved in this business from a pure and pious zeal for the interest of the Church, or have been stirred up to do so from less avowable motives? I should likewise wish to be informed, Whether there are any complaints of grievance from those who are subject to the Test? Whether there are any petitions on the table from men who have suffered by it in their conscience, or in their temporal interest? I have heard of none. The case of officers in the Army and Navy has always been introduced as a topic, but without any authority from themselves. An



Honourable Baronet from Scotland, who had himself been a military man, not only disclaimed this objection in the House of Commons, but treated it as an aspersion. The supposed hardship is a mere bugbear; the law is penal in appearance, but innocent in effect; and it may almost be reckoned a dead letter, like many others in the statute-book. Nothing can make it hurtful but stirring up the discussion of it unnecessarily. But, even if it were more exceptionable, with what propriety can the people of Scotland now interfere with their sister Church of England, when they consider what was the bargain they made for themselves at the Union, and which has been acquiesced in ever since? It is impossible to look at the Act of Security passed in Scotland, and similar acts in England both preliminary to, and held as repealed in the articles of the Union, without seeing clearly that, on the one hand, the Presbyterian Church Government, with all its laws and regulations, was to be unalterably preserved in Scotland, and, on the other hand, with equal anxiety, all and singular Acts of Parliament then in force for the establishment and preservation of the "Church of England," were declared to have a permanent endurance. The General Assembly of Scotland soon found this to be the case, and gave up the attempt to procure an alteration. Those who transacted the Union were all then living; so were some of them when the matter was after-

afterwards agitated in the House of Lords, particularly Archibald Earl of Islay, who had assisted in making the Treaty of Union, a zealous Presbyterian by education and by principle, descended from ancestors who had suffered in the cause: yet this noble Lord, who could not be ignorant of what was understood at the Union, spoke and voted against the Church—a strong circumstance to shew, that the supposed private compact or understanding, mentioned by a learned Gentleman this day, never had any existence. No sufficient evidence of such a private condition has ever been produced, nor is it in the least degree probable, otherwise the breach of it would have been the subject of much well-founded complaint at the time. As to the alledged equality of condition between England and Scotland, a Noble Earl, who sits near me, will acknowledge, that this was not meant to be the case in all things, otherwise his Lordship would be now sitting in the House of Peers of Great Britain. But it was nevertheless a good Union both for Scotland and England, and no man who loves his country will ever find fault with it. Certain terms and conditions were agreed to on both sides, and neither party can with justice recede from them. The forms of Religion, and the municipal laws of the two countries, were in a special manner kept distinct. If the people of England chose to give up any of the privileges of their Church in favour of Scotsmen,

men, I have no objection; but as a Scotsman I do not think it honourable or fair in me to *insist* upon it, after what has passed between the two nations at the Union. The Overture states, that the Test imposed on Scotsmen, receiving offices in England is inconsistent with the act of Union. This proposition is not founded in truth, and I wish the reverse may not appear to be better founded. It states another proposition more extraordinary, and which, I hope, this venerable Assembly will reject with a proper degree of contempt, viz. That the Test thus required, is a *profanation of sacred things*! Does the Rev. Gentleman who lately spoke with so much liberality upon the subject, though in favour of the Overture, mean to adopt such language? And, will the most zealous supporters of the Overture allow it to go to England, expressed in such words, and conveying so strange an idea? If they do, all sensible men will hold up their hands and say, "The Church of Scotland is at least a century farther back than we believed it to be!"

The *Dean of Faculty*, the Right Hon. Henry Erskine, observed, That as the Overture under discussion complained of a grievance existing in the Church of Scotland, and proposed that measures should be immediately taken for relief; the venerable Assembly had, therefore, three distinct propositions before them;—first, Whether any grievance



grievance existed which called for the interposition of the Supreme Council of the Church? next, Whether the grievance, if existing, was such as could by any legal and constitutional means be removed? and, lastly, if the evil was not past remedy, whether the present were the proper time and way for procuring it? As to the grievance, he for his part had no hesitation to declare a decided opinion, that a grievance did exist inconsistent with the dignity and independence of the Church of Scotland, highly prejudicial to the morals of her people, and dangerous to her interests, and even her existence as a national establishment; that it was therefore the duty of the venerable Assembly to use every exertion for obtaining redress; and that, for this purpose, the resolutions moved by the Reverend and Honourable Baronet ought to be adopted. The general question, of conformity to the Established Religion of a country being requisite to entitle individuals to a share in government, or to the holding of offices, he did not mean to enter into. This was a question of the greatest nicety and difficulty, upon which the wisest men might, and did, differ. But it entered not into the present deliberation. Admitting even the argument for a Religious Test in its fullest force, it strengthened, instead of weakening, the plea of the Church of Scotland, a national establishment equal and co-ordinate with the Church of England, for having conformity to *her own* com-

communion declared to be a sufficient qualification to every office in the State. Neither did he propose to discuss the other general question, How far, supposing a Religious Test absolutely necessary, it was consistent with the true spirit of our Holy Religion to adopt the most awful and mysterious of her ordinances, and to prostitute it upon every common occasion, to qualify the meanest individual for the meanest office in the State? This discussion was equally foreign to the debate, because the question was not, in what *mode* the members of the Church of Scotland should declare an Occasional Conformity to the Church of England; but, Whether they ought not to be freed from any such conformity to all, as being constitutionally entitled, as members of one of the two National Churches, to be entrusted with the offices common to both countries? In this light, the Test Act was a grievance to our consciences, a disgrace to our dignity, and would in time destroy our existence as a National Church. The grievance, in point of conscience, did not consist, in his opinion, in merely communicating with the Church of England. He agreed with a Reverend Gentlemen, that he could join in worship with any religious community on earth. We indeed did so every day of our lives, when the most secret prayer uttered in the recesses of our closets went up to the Throne of Mercy, mingled with the orisons of all tongues and all nations, from the

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most enlightened Christian that worships the Divinity in purity and truth, to the unenlightened savage, who only sees his glory and wisdom through the dark clouds of ignorance and superstition.

—The grievance consisted in the members of a co-ordinate Church being obliged to declare themselves of the communion of another Church, before they could enjoy their political birthright. Unless we actually abjure our own profession of Religion, equally established by law, we are excluded from holding any British office, any commission in the Army or Navy. This was the meaning, this was the effect, of the Test Laws; they could have no other, for every other was absurd. And was not this a grievance of the most serious and alarming nature? The shades of difference are but slight between the two Religions, and a person may thus fairly be induced to change the one Religion for the other; but nothing can reconcile to an honest mind the juggling and deceptive conduct of attending a holy ordinance, for the purpose of declaring, from views of interest, that he is a member of one communion, while he remains firmly attached to another. No Presbyterian can comply with the Test Act, without either meaning to profess himself a member of the Church of England; or declaring, that for an office of profit he is willing to make profession of any faith; or that he has no sentiment upon the subject, but considers the whole matter as a farce,



both in a political and religious view. It was equally indisputable, that the Test Act was unjust and degrading to the Church of Scotland. Inferior to England in other respects at the Union, we were equally free and independent. We were then under the same sovereign, and that sovereign of our own race. It was necessary, however, for the sake of an undivided government, to yield many things. We yielded the residence of our King, the sitting of Parliament, and many privileges and dignities. As to Religion, the sovereign could not be of both. We sacrificed this too, and it was declared, that the sovereign should always be a member of the Church of England. This was certainly unfair to Scotland, who had an equal title to have a king of her own Religion, as England;—but the sacrifice was made, and it was our dignity, not our consciences, that suffered by making it. Were we now to go farther? were we to submit to a *municipal* law of the sister Church, cutting down the stipulated rights of our own National Establishment of Religion? The Test Act, if enforced, reduced this Church to the most degrading and humiliating state. Instead of being *established by law*, we were merely *tolerated*. We were in no better situation than any set of English Dissenters. No man who truly professed, and honestly adhered to the Religion of the Church of Scotland, is legally worthy of holding these very offices, which exist for the government

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and protection equally of *both countries*, or can be entrusted with the use of arms for the *common* defence! He who does not feel this to be a mark of degradation, is no true son of the Church of Scotland. He who does not feel this distinction to be a disgrace to his country, is no true Scotfman. It is not, therefore, from *religious scruples*, that we ought to support the present motion.—“If we have any honesty, if any pride,” said the Dean, “these must compel us to support it. I mean not to use the word *pride*, to express that unbecoming haughtiness which is inconsistent with the principles of our Holy Religion, and the humility of our establishment—but that honest, virtuous elevation of mind, that high sense of honour, which may not only be united with the meekness of the ecclesiastical character, but is essentially necessary for our preservation as a National Church.” But farther, the very existence of the Church of Scotland was threatened by the Test Law; nay, the Presbyterian Religion itself. The shades of difference betwixt the two Religions being small, persons of conscience and true spirit would rather conform altogether than occasionally, or at least would breed up their children in that persuasion; so that from this circumstance, joined with the splendour and emoluments of the English Church, our Church might be rooted up from its foundations,

The Dean of Faculty then proceeded to shew, at great length, and with much ability, the constitutional claims we had for relief from the Test Laws. In particular, he maintained, that there was not the shadow of ground for saying, that the Treaty of Union stood in the way of our obtaining the fullest redress: On the contrary, though we could not claim such relief under the strict letter of it, the spirit of it was directly inconsistent with our being subjected to it; as a complete and equal protection to the religion of England, that of Scotland, and a full participation of all political rights and privileges, was the very soul of the treaty:—and although the patriots of those days had yielded to many inequalities in the treaty, to prevent its total miscarrying; yet, in doing so, they had parted with nothing but what it was lawful for them to yield, though he reprobated even many of those concessions; and he gloried that his ancestors had manfully resisted them, and had been amongst those who had protested against the Union taking place on such terms. But it would be a libel upon the Parliament who sat in Scotland at that time, to suppose that while they were insisting to have their religious rights and privileges established, and their Church declared equal and co-ordinate with that of England, and were, by the necessary operation of the treaty, to be admitted to the participation of every office in the united kingdoms, they could mean



mean to buy all this by a sacrifice of the purity, honour, and dignity of their Church, by submitting to the perpetual bondage of an English law that has precluded them from the enjoyment of those very offices, or subjected them, if they preferred promotions to religious duty, to submit to an occasional conformity, not less painful than disgraceful to an ingenuous mind. He said, the true state of the matter had been fully illustrated by the history of the business given by several of the Reverend and Hon. Gentlemen who had already spoken. An attempt had been made in the Scottish Parliament by the pretended friends, but truly the enemies of the Union, to have the right of being free from the Test Act declared in the Treaty of Union. The attempt, however, had failed. In like manner the Tory party in England had endeavoured to have the Church of Scotland expressly subjected to the Test Act. That attempt was also unsuccessful; and the Union passed without a single word that could prevent the Legislature of the two kingdoms, at any future period, from regulating the situation of the Church of Scotland in this respect, as justice and expediency might suggest, and the spirit of after-times permit. He was clear, that justice and expediency at all times demanded redress, and that the spirit of the present times admitted of it; and that, although he had no partiality for the present Ministers, he would not pay them so bad a

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compliment as to suppose, that they would resist a measure proposed from so respectable a quarter, and bearing truth and conviction along with it. If they should, then the Church of Scotland must trust to success from the voice of the people, and the justice of the Legislature. As to the time for such an application, the question is scarcely open; it had come to us, without our seeking, from more than one inferior Church judicatory; and to reject it, even on a well-founded idea of the unsuitness of the time, would be to deny the noble generous principle on which it was founded: that there was no unsuitness of the time, that no time could be unfit for such an application. We had been silent too long, and further silence would be construed into acquiescence. The question is not now, Whether a motion shall be brought forward? but, whether we are to reject what is now proposed? Should the House neglect the Overture on the table, they virtually declared, that we preferred the burden of the Test Act to freedom—servitude to a foreign Church, to the independence of our own—and surrendered all the dignity and all the rights of our Church to another, not more established by law than our own!

Dr. G. Hill said, he would follow the Dean of Faculty in keeping clear of the general question with regard to the propriety of a religious and sacramental Test, and in confining himself to the situation

situation of the members of this National Church; but he would not follow him in beginning his speech with an enquiry, Whether the operation of the Test Act was a grievance? because it appeared to him, that the precise question before the House was, What steps it is proper for the General Assembly to take in this matter? and it is well known, that there are many instances in which men learn by reason and habit to accommodate their minds to the want of some privilege or advantage which they might wish to have. He would, therefore, first enquire, Whether we had any reason to expect a removal of that which is called a grievance, and then he would state his apprehensions of the nature and amount of it. It had been said by every Gentleman, that as two Churches had been established in Great Britain, by the Treaty of Union, a conformity with either Church ought to be considered as a sufficient qualification for holding British offices. The argument was plausible, but it had been stated without effect at the time of making the Union, and this was one of the instances in which the communication of rights and privileges mentioned in the fourth article was limited by other parts of the Treaty. It is provided, in the act for securing Presbyterian Government, that none of the subjects of this kingdom shall be liable to any Test contrary to the foresaid government, *within the bounds of this Church and Kingdom*; which implies that, without the bounds of the Church and Kingdom,



such Test might be imposed on them. Accordingly, when it was moved in the Parliament of Scotland, Nov. 1706, to insert in the act the following clause, "That they shall be capable of any office, civil or military, within any part of Great Britain,"—the clause, after debate, was rejected. While the establishment of Presbyterian Government is declared to be a fundamental condition of the Union, it is also declared, that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the kingdom of England; and that provision is contained in the act for securing the Church of England, which makes part of the Treaty of Union. The general words of that act, "That all and " singular other acts, now in force for the establishment of the Church of England, shall be " in full force for ever," do certainly imply the Test Act, which the Church of England has always regarded as one of its bulwarks. Prudential considerations might prevent the Parliament of England from naming that act: but the secret history alledged by the Procurator appears to have been unknown to one of the greatest men who made the Union, the Earl of Hay \*, who said, in a debate of the House of Lords, 1718, on a bill which included a repeal of part of the Test Act, that it broke the *Pacta Conventa* of the Treaty

\* See the "Episcopal Opinions," published in 1790, where he is by mistake called "Earl of Jersey."

ty of Union, by which the bounds of the two Churches are settled; and he was apprehensive that, if the articles of the Union were broke with respect to one Church, it might be a precedent to break them with respect to the other. It appears from this deduction, that the unlimited operation of the Test Act within the kingdom of England is part of that security which was stipulated for the Church of England by the Treaty of Union, and of which the members of the Church of Scotland have no right, by that treaty, to demand the relaxation. It is true, that the Commission of the General Assembly, immediately after the accession of the House of Hanover, stated the inequality and hardship which the operation of this act imposed upon the members of the Church of Scotland holding offices in England. But the gracious Sovereign whom they addressed did not consider this as one of the illegal incroachments and insults from which he promised to defend them; for no notice was taken of this part of their memorial. Our situation is very different from theirs. The persecutions and convulsions of former times were fresh in their minds, and the friends of Presbytery were just recovering from the alarm with which many circumstances had inspired them. But we have enjoyed perfect security, for the greater part of a century, under the auspicious government of the House of Hanover. — The firmness of that establishment which we  
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derive

derive from the Union is ascertained and acknowledged. We are independent of the principles or prejudices of any party ; and we meet here a fixed part of the constitution of Great Britain. And shall we, assembling in this dignified character, employ ourselves in venting peevish complaints against a part of that treaty to which we owe our security ? Look round, and say, if the Test Act has had the effect of excluding men born and educated in the communion of the Church of Scotland from civil or military offices. Either the Test Act is not enforced with regard to them, or they do not feel any reluctance to receive the Sacrament according to the usage of the Church of England. It had been said, that a compliance with this requisition is a Test of entire conformity with the Church of England. But the true meaning of the act seems to be, to create a fence by which all persons so inimical to the Church of England, that they will not receive the Sacrament according to the usage of the Church, are excluded from civil offices. Of this kind are Popish Recusants, and some rigid Dissenters. But there is nothing in the doctrines of the Church of Scotland which renders it unlawful for her members to comply with her requisition. There is an enlargement of mind with regard to the terms of Christian communion, which has now become general ; spiritual and evangelical notions with regard to the kingdom of Christ, which are avowed  
and



and acted upon by the firmest friends of Presbytery. And shall we in this age, this temper of men's minds, declare by a decree of this House, that we condemn those Presbyterians who communicate with the Church of England? Let us rather seize this opportunity of shewing our neighbours, that although we cannot vie with them in splendour of establishment, in richness of endowments, and in political influence, we will not yield to them in the liberality of spirit which is founded upon Christian charity; that we feel none of the envy and jealousy of Dissenters; that we are not rivals and enemies, but a sister Church, equally secure with the Church of England, having no occasion to court her favour, or dread her encroachments; and that our sons commit no offence against our rules by joining, as God gives them opportunity, in her usage. It happens that, with regard to that usage, both the Dissenters and we differ from the Church. But certainly the Communion of Saints depends more upon unity of faith than upon sameness of posture; and, as there is not a shadow of difference between the two Churches concerning the great event which is remembered in the Lord's Supper, even those whose sentiments of Christian communion are the most liberal, may chuse rather to join in shewing forth that event with a society of Christians whose opinions they know and approve, than with other societies, whose usage they may prefer, but whose

opinions are not declared by any public standard, and are known by the writings of individuals to be opposite to the doctrines of this Church.

Did scruples generally prevail in the minds of the people of this country, from an apprehension that they could not, in consistency with their attachment to the principles of the Church of Scotland, receive the sacrament according to the usage of the Church of England, it might become the moderation of their religious instructors to enlighten their minds, and to try to reconcile them to the requisition of the law. At the same time it would, in that case, become the General Assembly to concur with the people; no voice of the country expressing a wish for being further released from the operation of the Test Act. This Overture originated from a meeting of Clergy; and, if it is adopted by the Assembly, their religious instructors of the people will appear, in the eyes of the world, attempting to instil into their minds dissatisfaction with the laws, and an opinion that they are injured and degraded by the operation of an act, to which they have quietly submitted since the Union, and the time at which we chuse to stand forth in this new and unseemly office is, after an application of the English Dissenters for the repeal of the same act has been rejected by a great majority in Parliament—at the

eve

eve of a general election—at the eve, it may be, of a war.

The propositions originally moved by the Reverend Baronet, assume, that the operation of the Test Act is unjust to the people of Scotland, and a violation of the privileges conferred upon them by the Union. In this form they cannot be adopted by those who think that the operation of that act is part of the stipulations of the Union. If this assumption, which to many of us appears totally unfounded, be thrown out, the propositions may be thought an innocent paper. But how shall we carry them into effect? Not by an application to Parliament. That, the Reverend Baronet was too able and acute to introduce into his motion; for, it is unknown in this House, except where our patrimonial interests are concerned, and is manifestly at this time unseasonable. Shall we proceed according to our wonted practice, by petition and representation to our Sovereign? If we have any real grievance to state, we are certain of being favourably heard. But we can hardly expect, that the Protector of both Churches will listen to us, if we attempt to invade the security provided by the act of Union for the Church of England.

Upon all these grounds, and others more fully stated in his speech, Dr. Hill said, he cordially  
joined



joined in thinking, that the Overture should be dismissed.

*Dr. Bryce Johnston* spoke nearly as follows:—

MODERATOR,

After so many able speakers, and particularly the last Rev. Gentleman, I rise with considerable disadvantage and diffidence; but still the importance and goodness of the cause, which I am to support, give me some portion of confidence.—Before entering upon the subject, I must make one observation, in order to wipe off a gross mistake and misrepresentation, upon which some gentlemen have proceeded. Though the Overtures from the Synods of Dumfries, and of Angus and Mearns, and that from the Presbytery of Dundee, are not before this Assembly, a Rev. Gentleman, who spoke early in the debate, founded his speech upon them; and the Right Hon. Judge took particular notice of the one from the Synod of Dumfries. I have repeatedly heard it said, without doors, that I was the author of that Overture. I, therefore, now take this public opportunity of telling this House, that I was not within the walls of the Synod-house of Dumfries on that day when the Overture was proposed, considered, and passed—that I never heard of an intention to propose it—that I knew nothing about the whole business of it until after it was passed, and

and the Synod dissolved—that the Synod-clerk sent it to me, inclosed in a letter, a few days before I left the country, that I might transmit it to this Assembly—that I laid it upon the table of the Committee of Overtures, told the above facts, and said to that Committee, that they might, for me, dispose of it any way they pleased; and I now call upon any man within these walls to contradict a single word of this account, if he can.

The question before this House is of a very serious and important nature. I do not view it at all as a political one. I do not state any comparison between the Administration and the Opposition in this country. We have at present an able, good, and effective Administration; we have also a most respectable Opposition. I never wish to see the day when, in this free country, we have a weak, a bad, or an ineffective Administration; or a contemptible Opposition. Such are the passions of men, that the best Administration will go wrong, if not directed by Opposition; and will do things, when under the influence of improper passions, which even their own cooler judgments will afterwards disapprove. I do not draw a comparison between the Church of England and the Church of Scotland, nor between any Churches. We have heard strong professions of liberality of sentiment from several of the speakers in this cause. Upon principles deliberately formed,

ed, I will yield to no Gentleman in this House, Right Honourable, Honourable, or Reverend, in true liberality of sentiment. After all my enquiries, I have never yet found any one constituted Church entirely perfect; and I do believe, that in every constituted Church I have ever heard of, there are some individuals who are true worshipers of God. But I will tell that Rev. Gentleman, that, in whatever constituted Church he or I, or any other person, worship God, our worship, our Religion, will never be of any real avail to us in our present or in a future state, unless we are such worshipers, "that the Lord knows us to be his, and our faith makes us depart from iniquity."

Much stress has been laid upon the word "profanation," which is contained in the Overture from the Presbytery of Jedburgh, now on your table, in order thereby to oppose the resolutions moved by my Rev. and most respectable friend Sir Harry Moncrieffe, and seconded by me. In point of form, I might now say, that we are not considering that Overture at this period of the debate, but only those resolutions contained in the motion now in possession of the House. But, in order to obliterate any unfair impression, which may have been made by what hath been said upon the word *profanation*, and to do justice to the worthy and respectable characters of the



two Reverend Gentlemen now in my eye, who drew up that Overture, and who opened the debate upon it in so serious and masterly a manner, I must take notice of that part of the Overture.

I am persuaded, that, if the Right Hon. Judge had been in the House early enough to have heard these two first speakers, or had read the Overture itself, he could not have fallen into a mistake as to the import of this term; and, as to others, I do not pretend to say how they have fallen into it; but this I will say, that there is not a single word within the four corners of the Overture, which either says, or implies, that it is a profanation of the Sacrament of the Lord's Supper to observe that "ordinance according to the usage of the Church of England;"—it only says, "That it is a profanation of the Lord's Supper, to take that sacred ordinance as a test or qualification for holding a civil or military office."—And is there a man within these walls who can deny this truth thus asserted? I now assert, that it is a profanation to take it as a test of any civil office, according to the usage of the Church of England, of the Church of Scotland, or of any Church under the sun.

To mention the grievances imposed upon members of the Church of Scotland by the Test Act would now be an insult to the understandings and

the hearts of the members of this House, after the very able and forcible manner in which they have been stated by my honourable and most respectable friend the Dean of Faculty. It hath, indeed, been repeatedly said, that no person is complaining to us of these grievances.—This is not the fact. Do not the Synods of Dumfries, of Angus, and Mearns, and the Presbyteries of Dundee and Jedburgh, complain to us by their Overtures? And do not these Courts, made up of so many ministers and elders, represent the great body of the people within the great extent of their bounds? The first three of these Overtures were, indeed, not transmitted to this House by its Committee of Overtures, because they were expressed in too strong and extensive terms; but even this circumstance more fully proves, that these Synods and that Presbytery had felt the grievance, since they have expressed their feelings in such strong terms. But even supposing that no person complained of the grievances, if they are many and great ones, which none now attempts to deny, the very want of complaint is a strong reason why we should take up this business, especially when it is actually brought under our consideration by the Overture. We are the established guardians of the Religion and morals of the people of Scotland. If it were fact, that they are so insensible of the danger to which their Religion and Morality are exposed by that Test, this is certainly a good reason why we,

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their

their guardians, should interpose, and interpose without delay ; because the longer they continue in such a state, their insensibility must become the greater, and the dangers arising from it the greater also.

It hath been said, that the Test Act is a municipal law of England. If it were a municipal law of England, like the Corporation Act, or if it respected only Dissenters from the Church of England residing in England, it would be going beyond our line, as the Church of Scotland, to take any steps for removing the grievances which arise to many inhabitants of England from that act, however much we might pity their situation.

It hath also been repeatedly and strongly asserted, that the Test Act is so fully secured to the Church of England by the articles of the Union, that no alteration can be made upon it without an infringement of these articles, the great bond of the British empire. I am perfectly clear, that this act is not confirmed by the articles of the Union, and that, so far as it affects members of the Church of Scotland, when holding, not English, but British offices, it is contrary to the true spirit of the articles of the Union. I must here beg the attention of the House to certain acts of Parliament, and to the dates of them. The Test Act was passed in the 25th year of the reign of



Charles II. in the year 1673, above twenty years before the Union of the kingdoms of England and Scotland. As no kingdom can make laws for another independent kingdom, this law could only affect such persons as belonged to the kingdom of England, and could not possibly affect those persons who were the subjects of the kingdom of Scotland. Some time after this, both kingdoms began deliberations and negotiations, in order to form an Union of both into one great empire, to be called *the Kingdom of Great Britain*. The kingdom of England passed an act for securing the Church of England in all her privileges, and the kingdom of Scotland passed a similar act, securing the Church of Scotland in all her privileges; and these two acts were the very basis on which the Union was afterwards founded, and were unalterably confirmed by the articles of Union in January 1707. In the act for securing the Church of England, no mention is made of the Test Act of 1673. But in the act for securing the Church of Scotland, it is thus enacted, “ And further, “ her Majesty, with advice aforesaid, expressly “ declares and statutes, That none of the subjects of this kingdom shall be liable to, but all “ and every one of them for ever free of any oath, “ test, or subscription, within this kingdom contrary to or inconsistent with the foresaid true “ Protestant Religion, and Presbyterian Church “ Government, worship, and discipline, as above “ esta-

“ established; and that the same, within the  
 “ bounds of this Church and Kingdom, shall  
 “ never be imposed upon, or required of them in  
 “ any sort.”

In the 4th article of the Union it is thus provided, after having mentioned a freedom of trade and navigation secured to the subjects of the united kingdom of Great Britain: “ And that  
 “ there be a communication of all other rights,  
 “ privileges, and advantages, which do or may  
 “ belong to the subjects of either kingdom, except where it is otherwise expressly agreed in  
 “ these articles.” And the 25th, the last article of the Union, enacts, “ That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with, the terms of these  
 “ articles, or any of them, shall from and after  
 “ the Union cease and become void, and shall be  
 “ so declared to be by the respective Parliaments  
 “ of the said kingdoms.” From this statement of the articles of the Union, is it not clear that the Test Act is inconsistent with the spirit or  
 “ *terms of these articles?*” and that the Scotch Presbyterians have a right secured to them of a free communication of all rights, privileges, and advantages, which are British, without taking this or any other Test? It hath been said, that the 4th article refers to exceptions agreed upon in these articles; and the case of the Scotch Peers,  
 sitting

sitting in the House of Peers only by election and delegation, hath been particularly stated. But let it be observed, that the case of the Peers is fixed by an exception in the articles. For my part, if it had not been otherwise stipulated, I could sincerely wish that every Scotch Peer had a seat in the House of Peers; and it would give me the highest pleasure to see the noble Earl now at my right hand always a member of that House. But the Privy Council, the Army, the Navy, and many other offices, rights, and privileges, are not excepted; and therefore, with respect to them, the exceptions in other instances strengthen the law. Here, if in any case, it may be said, *Exceptio firmat legem*. The wrong interpretation, which some have attempted to put upon the articles of the Union, would not only deprive Scottish Presbyterians of a communication of privileges, but would deprive them of their own ancient and peculiar privileges. Before the Union, had not Scotland a Privy Council, an Army, and a Navy? Where are they now? Are they not united with those of England, and both together consolidated into the British Privy Council, Navy, and Army? If then no Scottish Presbyterian can be admitted into these without taking the Test, he is deprived of his own rights and privileges. It is absurd to suppose, that an English act can disqualify for a British office. I must therefore again  
second-



second the resolutions moved for, by my Reverend friend Sir Harry Moncrieffe.

Before sitting down, I feel myself strongly inclined to express the great satisfaction which I have felt by hearing all the speakers express their strong and strict attachment to the articles of the Union. That attachment I have been accustomed to express in this House, on every proper occasion, from my earliest days; but I am particularly happy to have heard it expressed this day by many Gentlemen who, on former occasions, did not speak so explicitly on that subject. I hope their attachment will long continue.

I must also express the high degree of pleasure which I have felt from the gentlemanly manner in which this debate has been conducted. However keenly we have supported our different opinions, not a single reflection has been thrown out by any one speaker. We have treated each other as gentlemen. While we find ourselves obliged to differ in sentiment, I hope we shall never differ in affection. On a subject so important, and in which our own characters, the good of our Country, and the stability of our Church, are so deeply interested, I hope we shall not only approve of the motion, but approve of it unanimously.

At

At length the Assembly agreed, without a vote, to adopt the Resolutions of Sir Harry Moncrieffe.

It was then moved, and unanimously agreed to,

“That a Committee of this Assembly shall now be appointed, with instructions to take the earliest proper opportunity to obtain redress of the grievances stated in the resolutions which the Assembly have adopted, by every legal and constitutional mode which they shall judge to be most effectual.”

A Committee was appointed accordingly.

A SPEECH made by Lord LANSDOWN  
in the year 1719, against repealing  
the Bill to prevent Occasional Con-  
formity \*.

My LORDS,

**H**AVING never trespassed upon your patience  
before, I may hope for the readier excuse  
if I trouble you now. I give you my word, that  
no indulgence shall encourage me to make a cus-  
tom of it.

I always understood the toleration to be meant  
as an indulgence for tender consciences, not a  
licence for hardened ones; and that the act to  
prevent Occasional Conformity was designed only  
to correct a particular crime of particular men,  
in which no sect of Dissenters was included, but  
those followers of Judas who came to the Lord's  
Supper for no other end than to sell and betray  
him.

This crime, however palliated or defended,  
even by so many Right Reverend Fathers of the

\* This Speech having been given imperfectly in the "Epis-  
copal Opinions;" a complete copy of it is here inserted



Church, is no less than the making the God of truth, as it were in person, subservient to acts of hypocrisy ; no less than sacrificing the mystical body and blood of our Saviour to worldly and sinister purposes : an impiety of the highest nature ! which, in justice, called for correction ; and, in charity, for prevention.

The bare receiving of the Holy Eucharist could never be intended, simply, as a qualification for an office ; but as an open declaration, an indubitable proof, of being and remaining a sincere member of the Church. Whoever presumes to receive it with any other view profanes it ; and may be said to seek his promotion in this world, by eating and drinking his own damnation in the next.

It is very surprizing to hear the merit of Dissenters so highly extolled and magnified within these walls. Who is there amongst us but can tell of some Ancestor either sequestered or murdered by them ? Who voted the Lords useless ? The Dissenters. Who abolished Episcopacy ? The Dissenters. Who destroyed freedom of Parliaments ? The Dissenters. Who introduced governing by Standing Armies ? The Dissenters. Who washed their hands in the blood of their martyred Sovereign ? The Dissenters ? Have they repented ? No. They glory in their wickedness at this day.

A very

A very learned Lord has endeavoured to extenuate that guilt in favour of the Presbyterians; and would persuade us they performed good offices at last to the Royal Family, and became principal instruments in the Restoration.

What offices? what instruments? upon what terms did they resort to the King? Upon no better than their brethren, the Scots, invited him before. To have an insignificant tool of a King; a cypher of a King, to walk in their leading-strings; to restore themselves, not their Prince, to dominion, was their sole aim. They groaned under the oppression of other sectaries, after having been themselves the great oppressors of mankind; nor had they any other chance for deliverance or revenge, but by recovering Regal Power under a Nominal King. This General Monk well knew, who was advertised of all their intrigues; and hence arose every difficulty that encumbered him in the prosecution of his own scheme: he was under a necessity to make use of their discontent; and could neither entirely trust, nor throw them off; but that the Monarchy was restored free and independent, the Church re-established pure and undefiled, was owing to his single virtue, generosity, and good conduct. No thanks to the Presbyterians.

Nor was the King scarcely warm in his throne, before they broke out into new rebellions, and continued incessant disturbers of his whole reign, sometimes with sham plots, and sometimes with real ones.

It was likewise alledged, by the same learned Lord, that they were provoked by hard usage, fined, banished, imprisoned, &c. but, by his Lordship's leave, never upon a religious account: they might be punished for breach of the law, for disturbing the public peace, for illegal meetings and assemblies, and other State crimes; and what was there more in that than in the present case of the Nonjurors?

The clemency of that reign to Dissenters has been sufficiently vindicated by a noble Earl, who was called up by some reflections which fell from a Right Reverend Prelate, relating to a projected comprehension in the beginning of that reign. Whereas that worthy Prelate was pleased to lay the whole blame of disagreement upon the Court and the Church; the truth has appeared manifestly otherwise. The Church opened her arms; the Clergy, the Bishops, the King, condescended to invite them, with all the temptations of indulgence, and Christian charity; but what was their return? Nothing but morose, haughty contradiction, or sullen, sophistical evasion; they scorned  
to



to enter our Churches as brethren and fellow-christians, but as conquerors and plunderers : they have no grace but what is founded in dominion.

Their behaviour in the subsequent reign is fresh in every one's memory. The unhappy Prince who succeeded was undone by giving attention to their addresses, and depending upon their promises.

That they have remained, as has been said, not only quiet, but appeared zealous in the Establishment, is no wonder : for who but themselves or their favourers have been thought worthy of countenance ?

A Noble Earl, enquiring into the reason of the present universal discontent (for such I find it agreed to be on all hands), has thought fit to impute it to mis-conduct in the Administration ; a little unlucky, I confess, since it was answered, " That at the time when this discontent most " flamed, his Lordship was at the head of that " Administration."

Another Noble Earl, very deservedly in a high station, is pleased to charge it upon fate, the malignity of the stars, a certain unaccountable disposition in the heavens, for which there is no apparent reason, nor remedy.

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The reason is plain, is flagrant, is notorious. The early impatience and presumption of the Dissenters; their insolent and undissembled expectations; their open insults of the Clergy; their affixing bills upon our very Church-doors, with this scandalous inscription, "A House to be let;" their public vindications of the murder of King Charles I. and their vile reflections upon the memory of Queen Anne, for ever dear to the people of England; besides many other indecent and arrogant provocations, too many to enumerate, was too much to bear. The violence that ensued, let the aggressors answer for. Their acting all this, not only with impunity, but reward out of the public treasure, was more than sufficient reason for jealousy; a jealousy, for which this new attempt to break down all the fences and boundaries of the Church at once \* will, indeed, be no remedy.

A Noble Lord seems much offended to hear Catholics, and other Dissenters, mentioned in this debate upon an equality: for what reason? Why, "Because their Religion is high treason; the Catholic Religion is high-treason."—I never understood their Religion to be treason, I have heard it might be treason to make converts to it; and, by the same rule, the Reformed Religion may be

\* Occasional Bill, Schism Bill, and Test Act.

treason in a Popish country. But if we may, without offence, compare them upon a foot of merit with other Dissenters (I mean only with respect to civil government), the Catholics, as far as has been yet made to appear, are surely entitled to the preference. To whom do we owe Magna Charta, but to our Popish Barons, long before the Reformation? And were there not as many, and as frequent struggles, for liberty in those Catholic times as since? To whom do we owe the Revolution, but to Catholic powers, with the Pope himself giving his blessing to an undertaking that was to deliver us from Popery? To whom do we owe our present security in the Protestant Succession, but to the most formidable, the most persecuting of all Popish powers, the most inveterate enemies of the Protestant persuasion, France, Savoy, and the Empire? Have not our ministers assured us, one after another, that those mortal enemies to our souls in another world are our only guarantees for salvation in this?

Our Protestant brethren, the States, were neither entrusted nor consulted; but seem to have been left, like slaves, to follow the dictates of Great Britain and France, and to accede, implicitly, at their peril. They have continued hitherto to Dissent; perhaps, in time, they may Occasionally Conform, as circumstances may happen to press;



but till then our trusty allies seem to be our good Catholic friends.

The Right Reverend Prelates, who have exerted their zeal in this debate, having been instructed to fulminate against the Test, without being let into the secret of dropping that question, have unfortunately emptied their quiver in the air; and may gather up their spiritual arrows again, to shoot at that mark some other time. One, however, there is, who must not be passed by; who wandering beyond the rest, in a long historical collection from Libels and Pamphlets, has let himself loose against the sacred memory of the Royal Martyr. He accuses him, "If not of all Popery, of half Popery, very near Popery, almost all Popery;"—wretched sophistry! What is this school-distinction betwixt almost all a Papist, or quite a Papist?

Hard fate of the best of men and kings! He who renounced the Purple to preserve the Lawn; who died for the Church: who is commemorated as a Martyr for the Church; is yet exposed, almost an age after his descent from the scaffold to the grave, to be murdered over again in his fame, even in the Supreme Court of Judicature, by a successor in that venerable order, that very Episcopacy, for which he sacrificed his liberty, his life, and his crown! The execrable wretch,  
who

who severed his head from his body, performed the inhuman office in a mask; but this holy —— I had like to have said —— Executioner, who cuts what the axe could not hurt, what the Regicides could not take from him, his Good Name, has not been ashamed to attempt it, bare-faced.

It grieves me, that this animadversion should fall to my lot; to the lot of any private Lord; I was in hopes a generous indignation would have warmed this Noble Assembly, to have made it their own act to reprehend such irreverend slander, as would much better have become a descendant from Bradshaw, than a successor of Laud.

In a word, that I may not appear prejudiced to merit in any man, I will conclude with this motion,—“That a list be laid before us of such Dissenters by name who have, upon any occasion, or in any kind, merited from the Crown; and I shall most readily come into any measures, which may distinguish them, or their particular services.”

F I N I S.

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"I am very glad that my Friends have been so firm in pressing the Test;  
which is the great Barrier against POPERY and the PRESBYTERIANS."

Duke of ORMOND, in 1709.





